

17<sup>th</sup> Annual

# HEALTH LAW CONFERENCE

Earn up to 13.00 Hours of Credit Including 1.00 Hour of Ethics  
Specialization for: Health Law



April 6\*, 7-8, 2005  
Four Seasons Hotel  
Houston, Texas

\*Optional Wednesday Evening Primer

17<sup>th</sup> Annual  
**HEALTH LAW CONFERENCE**  
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**WEDNESDAY EVENING, APRIL 6, 2005\***

\*Optional—Please select topic on registration form.

**CONCURRENT SESSIONS**

**7:00 p.m. Health Law Primer 2.00 hrs**

This optional evening session provides an introduction to basic health law, with emphasis on fraud and abuse, managed care, and Medicare reimbursement issues.

Kenneth J. Kramer, Arlington  
Marie C. Berliner, Austin

**7:00 p.m. In-House Counsel Issues 2.00 hrs**

This program will focus on current topics of practical interest to in-house health care counsel, including significant legislative proposals affecting hospitals (such as medical error reporting and availability of clinical outcome data), the *Poliner* decision and its impact on medical staff peer review participation, status of the nonprofit hospital class action litigation, recent developments in corporate governance and their impact on the in-house counsel role, and other topics of interest to in-house health care counsel.

*Note: Registration for this session is limited to persons who are in-house counsel.*

Michael J. Regier, Austin – Moderator  
Teska J. Moreau, Houston  
Cyndi Baily, Houston  
Ann B. Stern, Houston

**THURSDAY MORNING, APRIL 7, 2005**

**Presiding Officer:**

**Hon. Jimmy Carroll, Temple**

**8:00 a.m. Registration Opens**

Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. .75 hr**

**Liability Update and Impact of Tort Reform**

Recent case law developments, annual survey of significant cases, and impact of tort reform.

Yvonne K. Puig, Austin

**9:45 a.m. .50 hr**

**Fraud and Abuse—Stark Update**

Update of federal Anti-Kickback Statute and Stark Law developments, including new review of statutory and regulatory changes (if applicable), case law, advisory opinions and enforcement actions. Developments in the Texas legislature relating to referral laws will also be discussed.

Donna Schmerin Clark, Houston

**10:15 a.m. Break**

**10:30 a.m. 1.25 hrs**

**Legal Issues Faced by Hospitals Serving the Uninsured and Providing Charity Care**

Hospitals are currently under scrutiny for their billing and collection practices. Some of the complaints reflect an extension of the charity care legislation targeted at nonprofit hospitals during the 1990s, but recently the specter of the "\$5 aspirin" has shadowed the for profit industry as well. This panel's focus will be on how hospitals can comply with societal and legal expectations as it explores the legal bases for the complaints against both for profit and nonprofit hospitals and the consequences of various billing and collection policies.

Lawrence L. Foust, Houston - Moderator  
Richard F. Scruggs, Oxford, MS  
Susan K. Staricka, Austin  
E. Peter Urbanowicz, Dallas  
John Zipprich, Houston

**11:45 a.m. Round Table Luncheon .50 hr**

Discussion groups with conference faculty and registrants. See registration form to purchase tickets and select topic.

**Topic A: Hospital-Physician Deals**

**Topic B: Investigations by the AG, TDSHS, OIG, et al.**

**Topic C: Peer Review Developments**

**Topic D: Compliance Issues**

**THURSDAY AFTERNOON**

**1:00 p.m. 1.00 hr ethics**

**Legal Ethics and Professional Responsibility Handling Health Care Transactions**

How do you represent health care clients with serious regulatory issues while maintaining your professional integrity? What is your duty to investigate your clients? What special concerns arise for publicly traded companies and not-for profits? This session explores these issues, with particular emphasis on the health care sector.

Philip L. Pomerance, Chicago, IL

**2:00 p.m. .75 hr**

**Tiptoeing through the Land Mines of Credentialing and Peer Review**

Charla Aldous, one of the trial attorneys representing the plaintiff in the *Poliner* case, will provide an overview of the litigation and the factors that may have resulted in the substantial jury verdict against the hospital and physicians. Mary Bearden will provide an overview of the recent legal developments in credentialing and peer review. Both speakers will address ways in which providers may attempt to minimize their liability for participation in credentialing and peer review activities.

Mary M. Bearden, Amarillo  
Charla G. Aldous, Dallas

**2:45 p.m. Break**

**CONCURRENT SESSIONS**

**TRACK A: Managed Care and Public Health**

**3:00 p.m. .75 hr**

**Managed Care 2005: Products, Politics and Privatization**

Managed care continues to breed competition and controversy. This session describes emerging managed care products, and the political landscape surrounding these product and policy initiatives. The session closes with a discussion of Texas and federal efforts to control health care costs through the use of private plans with the implementation of new managed Texas Medicaid and CHIP plans and the new federal Medicare Advantage program.

Elizabeth N. Rogers, Austin  
Denise Webb Glass, Dallas

**3:45 p.m. .75 hr**

**Legal Issues During Public Health Emergencies: Will You Be Ready When Your Client Calls?**

This program will focus on the legal issues associated with public health emergencies and the challenges faced by attorneys on behalf of their clients when individual civil rights and business viability come into conflict with the communities' interests in health care damage control and containment. With the growing threat of bioterrorism (anthrax) and mass epidemics (SARS), the panelists will address the means by which public health authorities impose limits on mobility and operation of health care entities in the interest of the public's health.

David A. Kahne, Houston  
Monty Waters, Austin

**TRACK B: Health Care Entities and TSBME**

**3:00 p.m. .75 hr**

**Don't Fence Me In: A Survey of Health Care Entity Choices**

This presentation will cover some of the novel forms of legal entities that are being used for health care organizations and how they are affected by the new Texas Business Organization Statutes and health care regulations.

George W. Coleman, Dallas  
Sheryl T. Dacso, Houston

**3:45 p.m. .75 hr**

**Update on TSBME**

As part of tort reform, the legislature granted TSBME increased funding and greater enforcement powers in regulating physician practices. In this presentation, Michele Shackelford will discuss S.B.104 along with other recent agency developments.

Michele Shackelford, Austin

4:30 p.m. Break

Return to general session.

4:40 p.m. .75 hr

#### Avoiding Painful Labor Disputes

There is a general rule that before undergoing any serious procedure, you should understand and evaluate the available options and the associated risks. Dealing with your employees is no exception to this rule. Learn the epidural equivalent for avoiding unnecessarily painful labor disputes.

Connie L. Cornell, Austin

5:25 p.m. Adjourn

### FRIDAY MORNING, APRIL 8, 2005

Presiding Officer: Jerry A. Bell, Jr., Houston

8:15 a.m. .50 hr

#### Legislative Issues Update

Tim Schauer, legislative advocate for Memorial Hermann Healthcare System in Houston, will give his insights into the progress, politics and probable outcomes of the Texas Legislature 2005. From the budget to health care to tax policy to school finance, the connections are making for an interesting interplay of state priorities and power struggles.

Timothy Schauer, Houston

8:45 a.m. .75 hr

#### National Enforcement Initiatives

A leading Federal prosecutor highlights the direction and focus of national enforcement efforts.

James G. Sheehan, Philadelphia, PA

9:30 a.m. .75 hr

#### Lessons Learned from the Alvarado Hospital Medical Center Physician Relocation Criminal Prosecution

A discussion of key issues litigated in *Alvarado Hospital*, by attorneys involved in this closely-followed case.

Speakers TBA

10:15 a.m. Break

10:30 a.m. .83 hr

#### Physician Owned Facilities

The presentation will include a discussion of partnership structures, conflict between partnership duties and medical staff issues, waiver of co-pays, medical staff/economic credentialing and anti-kickback and Stark concerns.

Bruce F. Howell, Dallas  
Fletcher H. Brown, Austin

11:20 a.m. 1.17 hrs

#### Retail Medicine: New Challenges for the Health Care Attorney

The session will discuss the rise of retail medicine and the new, complex legal issues that are necessary to

represent clients in this changed environment. A substantial portion of medical care is not being transformed to a retail market. This requires the health care lawyer to become familiar with a new set of skills, including structural restrictions on health care delivery, marketing restrictions, advertising restrictions, differing licensing requirements,

differing state regulations and the interrelationship between all of the above.

David W. Hilgers, Austin  
Joyce Wein Iliya, Dallas

12:30 p.m. Adjourn

## REGISTRATION FOR HL05

### Mail this registration form to:

The University of Texas School of Law, Attn. HL05  
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

### PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail Address \_\_\_\_\_

### REGISTRATION

#### Includes Course Binder

- ☐ Early Registration Fee due by Wed. March 30, 2005 ..... \$425.00
- ☐ Registration Fee after Wed. March 30, 2005 ..... \$475.00
- ☐ **Optional Wednesday Evening Session** (Select one)..... \$75.00
- ☐ Topic A: Health Law Primer
- ☐ Topic B: In-House Counsel Issues (In-House Counsel only, please)
- ☐ **Optional Thursday Round Table Luncheon** (Select one)..... \$25.00
- ☐ Topic A: Hospital-Physician Deals
- ☐ Topic B: Investigations by the AG, TDSHS, OIG, et al.
- ☐ Topic C: Peer Review Developments
- ☐ Topic D: Compliance Issues

### CONFERENCE PUBLICATIONS AND MEDIA

#### Allow 2-4 weeks from conference date for delivery.

- ☐ Course Binder ..... \$200.00
- ☐ Audio CD Set ..... \$175.00
- ☐ eBinder on CD (PDF format) ..... \$200.00/\$50.00  
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

### GROUP CLE: Bring the conference in-house and learn at your convenience.

#### Allow 2-4 weeks from conference date for delivery.

- ☐ Group CLE for 2—Includes Audio CD Set and Course Binder ..... \$750.00
- \_\_\_\_\_ Add participants (includes Course Binder) for \$200 each ..... \$ \_\_\_\_\_

### METHOD OF PAYMENT

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

☐ Check (make checks payable to: The University of Texas at Austin)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card #     -     -     -

X \_\_\_\_\_   /    
Authorized Signature Exp. Date (mm/yy)

# HOUSTON

April 6\*, 7-8, 2005

## CONFERENCE LOCATION



### Four Seasons Hotel

1300 Lamar  
Houston, TX 77010  
(713) 652-6266

**SPECIAL RATE \$180** (subject to availability) good through March 16, 2005

Parking: \$10 valet;  
\$24 valet overnight

## KEY DATES

### Registration and Cancellation

**March 30, 2005, 5 p.m.**

•last day for early registration  
add \$50 for registrations  
received after this time

**April 1, 2005, 5 p.m.**

•last day for full refund

**April 4, 2005, 5 p.m.**

•last day for partial refunds  
\$50 processing fee applied

**April 6, 2005, 7 p.m.**

•optional Wed. evening session

**April 7, 2005, 9 a.m.**

•conference begins

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 1.00 credit hour will apply to legal ethics/professional responsibility credit.

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